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FEB 28 2005

TO: Commissioner for Patents

FROM: Brian H. Batzli

Attn: Examiner Shick C. Horn  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

OUR REF: 03961.0046US01  
TELEPHONE: (612) 332-5300

Total pages, including cover letter: 23

PTO FAX NUMBER 703.872.9306

If you do NOT receive all of the pages, please telephone us at (612) 332-5300, or fax us at (612) 332-9081.

Title of Document Transmitted:

Amendment and Response  
Request for Extension of Time

Applicant: MALANEY et al.  
Serial No.: 09/844477  
Filed: 04/27/2001  
Group Art Unit: 2662  
Our Ref. No.: 03961.0046US01

Please charge Deposit Account No. 13-2725 in the amount of \$450.00 for Two (2) Month Extension of Time for Large Entity and in the amount of \$200 for the addition of 4 dependent claims. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Brian H. Batzli  
Name: Brian H. Batzli  
Reg. No.: 32,960

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Karen R. Nejedly

Karen R. Nejedly  
Signature

February 28, 2005  
Date 09/844477 132725 09844477  
453.03 DA

02703.DOC

S/N 09/844,477

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED  
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Applicant: Malaney et al. Examiner: Shick C. Hom  
Serial No.: 09/844,477 Group Art Unit: 2666  
Filed: April 27, 2001 Docket No.: 3961.46US01  
Title: TELECOMMUNICATIONS TRAFFIC REGULATOR

**FEB 28 2005**CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on February 28, 2005.

By: 

Name: Karen K. Nejedly

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Dear Sir:

In response to the Office Action mailed November 30, 2004, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 21 of this paper.

04/11/2005 DSH:LS 00000000 132725 09844477  
RECEIVED

U.S. Patent Application Serial No. 09/844,477  
Reply to Office Action dated November 30, 2004

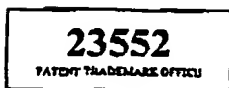
**REMARKS**

This Amendment and Response is in reply to the Office Action dated November 30, 2004. Applicants hereby elect without traverse Group I, comprising claims 1-60 drawn to traffic shaping.

Applicants have added claims 65-72 above. Such claims are also believed to be included within Group I. Such claims are fully supported by the specification, claims, and drawings as originally filed. No new matter has been entered hereby. Claims 61-64 are canceled without prejudice or disclaimer.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Brian H. Batzli, Reg. No. 32,960, at (612)336-4755.

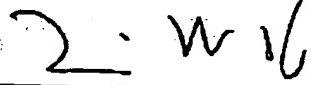
Respectfully submitted,



MERCHANT & GOULD P.C.  
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Dated: February 28, 2005

By

  
Brian H. Batzli  
Reg. No. 32,960

BHB:mfe

# **PATENT APPLICATION FEE DETERMINATION RECORD**

Effective October 1, 2000

Application or Docket Number

098444-2

## **CLAIMS AS FILED - PART I**

(Column 1) (Column 2)

TOTAL CLAIMS	64	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	64 minus 20 =	44
INDEPENDENT CLAIMS	18 minus 3 =	15
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	\$355.00
X\$ 9=	
X40=	
+135=	
TOTAL	

RATE	FEE
BASIC FEE	\$710.00
X\$18=	120.00
X80=	710.00
+270=	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2

## **CLAIMS AS AMENDED - PART II**

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	68	Minus	64 = 4
	Independent	10	Minus	15 =
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDI-TIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
X\$18=	200.00
X80=	
+270=	
TOTAL	200.00
ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total		Minus	=
	Independent		Minus	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDI-TIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL	
ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total		Minus	=
	Independent		Minus	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDI-TIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL	
ADDIT. FEE	

RATE	ADDI-TIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL	
ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.